

An act to amend Section 1369.1 of the Penal Code, relating to jails.

SECURED
COPY

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1369.1 of the Penal Code is amended to read:

1369.1. (a) As used in this chapter, "treatment facility" includes a county jail. Upon the concurrence of the county board of supervisors, the county mental health director, and the county sheriff, the jail may be designated to provide medically approved medication to defendants found to be mentally incompetent and unable to provide informed consent due to a mental disorder, pursuant to this chapter. In the case of Madera, Napa, and Santa Clara Counties, the concurrence shall be with the board of supervisors, the county mental health director, and the county sheriff or the chief of corrections. The provisions of Sections 1370, 1370.01, and 1370.02 shall apply to antipsychotic medications provided in a county jail, provided, however, that the maximum period of time a defendant may be treated in a treatment facility pursuant to this section shall not exceed six months.

(b) This section does not abrogate or limit any law enacted to ensure the due process rights set forth in *Sell v. United States* (2003) 539 U.S. 166.

~~(c) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Jail-based competency treatment programs.

Existing law authorizes certain medications to be provided to a defendant in a county jail if he or she is mentally incompetent and unable to provide informed consent due to a medical disorder. Existing law limits to 6 months the maximum period of time a defendant may be treated in a treatment facility such as a county jail. Under existing law, that provision is repealed as of January 1, 2016.

This bill would extend that authority indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.